



# STATE OF INDIANA

**MICHAEL R. PENCE, Governor**

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May 18, 2015

Mr. Aaron Isby-Israel - # 892219  
Wabash Valley Correctional Facility, Site B712  
6908 South Old US Highway 41  
P.O. Box 1111  
Carlisle, Indiana 47838

*Re: Formal Complaint 15-FC-137; Alleged Violation of the Access to Public Records Act by the Indiana Ombudsman Bureau*

Dear Mr. Isby-Israel,

This advisory opinion is in response to your formal complaint alleging the Indiana Ombudsman Bureau ("Bureau") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* Pursuant to Ind. Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on April 16, 2015.

## BACKGROUND

Your complaint dated April 13, 2015 alleges the Indiana Ombudsman Bureau violated the Access to Public Records Act by failing to provide the records you requested.

On March 31, 2015, you submitted a subpoena duces tecum to the Bureau seeking any and all records in the Bureau's possession filed by you, from February 2003 to December 12, 2003.

## ANALYSIS

The public policy of the APRA states that "(p)roviding persons with information is an essential function of a representative government and an integral part of the routine duties of public officials and employees, whose duty it is to provide the information." See Ind. Code § 5-14-3-1. The Indiana Ombudsman Bureau is a public agency for the purposes of the APRA. See Ind. Code § 5-14-3-2(n)(1). Accordingly, any person has the right to inspect and copy the Bureau's disclosable public records during regular business hours



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unless the records are protected from disclosure as confidential or otherwise exempt under the APRA. See Ind. Code § 5-14- 3-3(a).

Please be advised this Office does not address Federal or State discovery requests. Your subpoena is conspicuously marked as a court document and does not put the Bureau on notice you are requesting a public record pursuant to the APRA. Court discovery is mutually exclusive to access to public records and is beyond the scope of this Office.

## CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the Indiana Ombudsman Bureau has not violated the Access to Public Records Act.

Regards,

A handwritten signature in black ink, appearing to read "L. H. Britt", with a long, sweeping underline.

Luke H. Britt  
Public Access Counselor